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Veronique Hakim
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New York City Transit

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January 24, 2017

Via Electronic Case Filing

Honorable Eric N. Vitaliano
United States District Judge
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Burke v. New York City Transit Authority, et al.
Docket No. 15 CV 1481 (ENV)(LB)

Dear Judge Vitaliano:

This office represents defendants New York City Transit Authority ("NYCT"), Kristen Nolan, and Leonard Akselrod (collectively, "Defendants") in the above referenced action.

This letter is submitted in response to the Court's Order, dated January 24, 2017, and to inform the Court that after I prepared and mailed Defendants' January 23, 2017 letter to establish a briefing schedule for Defendants' motion to dismiss, I received the attached e-mail from plaintiff Brian Burke, *pro se*.

In the e-mail, plaintiff requested six weeks, or until April 14, 2017, to respond to Defendants' motion. As a result, the revised briefing schedule would be:

March 3, 2017 – defendants' motion to dismiss

April 14, 2017 – plaintiff's opposition

April 28, 2017 – defendants' reply

Based on the foregoing, Defendants respectfully requests that the Court approve the briefing schedule proposed above.

Thank you for your consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel Chiu".

Daniel Chiu

cc: Brian Burke, *pro se* (via First-Class Mail)

Chiu, Daniel

From: B <briantburke@gmail.com>
Sent: Monday, January 23, 2017 4:29 PM
To: Mary Ann Conlon; Chiu, Daniel; dgyaltsen@twulocal100.org; Foley, Eamonn; Henly, James; Derrick Echevarria; President; aschwartz@twulocal100.org; Kia Phua; Prendergast, Tom; Arthur Schwartz; ljames@pubadvocate.nyc.gov; ikhan@pubadvocate.nyc.gov; lacosta@pubadvocate.nyc.gov; bpham@pubadvocate.nyc.gov; Barbara Sherman; jfuhrman@pubadvocate.nyc.gov; Jennifer Levy; amasters@pubadvocate.nyc.gov; Larry Schimmel; khan@pubadvocate.nyc.gov; tjohnson@pubadvocate.nyc.gov; Laura Atlas; Timothy Tapia; GetHelp@pubadvocate.nyc.gov; newsunit@pubadvocate.nyc.gov; bdeblasio@cityhall.nyc.gov; IQE@cityhall.nyc.gov; borelli@council.nyc.gov; fcabrera@council.nyc.gov; chin@council.nyc.gov; District11@council.nyc.gov; RCornegy@council.nyc.gov; ecrowley@council.nyc.gov; M35@council.nyc.gov; cdeutsch@council.nyc.gov; dickens@council.nyc.gov; ddromm@council.nyc.gov; REspinal@council.nyc.gov; mathieu.eugene@council.nyc.gov; jferreras@council.nyc.gov; garodnick@council.nyc.ny.us; vgentile@council.nyc.gov; VGibson@council.nyc.gov; NYC Greenfield; m23@council.nyc.gov; District3@council.nyc.gov; BKallos@council.nyc.gov; Andy.King@council.nyc.gov; P Koo; Karen Koslowitz; RLancman@council.nyc.gov; lander@council.nyc.gov; slevin@council.nyc.gov; Team Levine; Alan Maisel; mviverito@council.nyc.gov; SMatteo@council.nyc.gov; darlene.mealy@council.nyc.gov; info38@council.nyc.gov; rmendez@council.nyc.gov; District27@council.nyc.gov; apalma@council.nyc.gov; areynoso@council.nyc.gov; drichards@council.nyc.gov; yrodriguez@council.nyc.gov; DROSE@council.nyc.gov; Helen@helenrosenthal.com; Salamanca@council.nyc.gov; eulrich@council.nyc.gov; jvacca@council.nyc.gov; district19@council.nyc.gov; jvanbramer@council.nyc.gov; MWeprin@council.nyc.gov; JWilliams@council.nyc.gov; Ruben.Wills@council.nyc.gov; ashorris@cityhall.nyc.gov; mcarrion@cityhall.nyc.gov; Emma Mw; jdupee@hhspartner.nyc.gov; rmartinez@council.nyc.gov; lbrovner@doi.nyc.gov; communications@doi.nyc.gov; msiller@doi.nyc.gov; mpeters@doi.nyc.gov; mcarroll@doi.nyc.gov; public.integrity@ag.ny.gov; civil.rights@ag.ny.gov; eric.schneiderman@ag.ny.gov; barbara.underwood@ag.ny.gov; intergovernmental.affairs@ag.ny.gov; jason.harrow@ag.ny.gov; lisa.burnianek@ag.ny.gov; gov.cuomo@chamber.state.ny.us; amy.mcfarlane@ag.ny.gov; Sandra.pullman@ag.ny.gov; Linda.Wilson@ag.ny.gov; amy.held@ag.ny.gov; sean.courtney@ag.ny.gov; Yael Fuchs; stephanie.swenton@ag.ny.gov; Rummlette Rumskie; Marty.mack@ag.ny.gov; Harlan.levy@ag.ny.gov; lemuelsrolovic@ag.ny.gov; Daniel.Maher@ag.ny.gov; joshua.pepper@ag.ny.gov; brianna.guckemus@ag.ny.gov; monica.connell@ag.ny.gov; TIM.WU@ag.ny.gov; Antoine.karam@ag.ny.gov; clark.russell@ag.ny.gov; Michael.Russo@ag.ny.gov; Enid.Stuart@ag.ny.gov; jason.brown@ag.ny.gov; janet.sabel@ag.ny.gov; martin.mack@ag.ny.gov; kelly.donovan@ag.ny.gov; karla.sanchez@ag.ny.gov; alvin.bragg@ag.ny.gov; kent.stauffer@ag.ny.gov; tdinapoli@osc.state.ny.us; jfiore@osc.state.ny.us; contactus@osc.state.ny.us; InspectorGeneral@osc.state.ny.us; nsheingold@osc.state.ny.us; jtraylor@osc.state.ny.us; pgrannis@osc.state.ny.us; tdolan@osc.state.ny.us; jbuyce@osc.state.ny.us; RCaracciolo@osc.state.ny.us; rwatson@osc.state.ny.us; pdoherty@osc.state.ny.us; jgalante@osc.state.ny.us; kbelden@osc.state.ny.us; adryan@osc.state.ny.us; bmchugh@osc.state.ny.us; jdavidson@osc.state.ny.us; aschierenbeck@manhattanbp.org; smeyers@manhattanbp.org; gbrewer@manhattanbp.org; sriera@manhattanbp.org; apierre@manhattanbp.org;

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 ryudkovitz@dcas.nyc.gov

Subject: Grievance Step I & II's and NYCTA request for scheduling MTD, please forward

Attachments: 06_06_2016GrievanceII.pdf; Grievance CI-2015-0548 Appeal (2).pdf

TWU Local 100 Grievance & Discipline, Daniel Chiu, esq. & TWIMC:

Grievance & Discipline, thank you for again requesting contractual Step II Grievance for 2015 Pay. As you may know, a Step II was scheduled, a full year after filing and many requests by the Local, on May 15, 2016. This "Hearing" morphed into a Step I when I appeared. I have not yet received the "Decision" but instead NYCTA's outside counsel at a http://law.onecle.com/new-york/workers-compensation/WKC0120_120.html Hearing placed the attached S175.35 Offering a false instrument for filing in the first degree <http://law.justia.com/codes/new-york/2014/pen/part-3/title-k/article-175/175.35> False Instrument into the Record. This is a Class E Felony and knowingly false. There is no evidence I was paid, as I

was not paid, through today, almost 2 years later. This was done to Obstruct Justice, Predicate RICO acts. Then NYCTA, via in-house counsel, Ms. Nolan, esq., submitted an additional False Instrument to the Civil Service Commission, this time not claiming I was paid, when I was not, but that I was on probation, when I was not. That False Instrument/Forgery S 170.10 Forgery in the second degree also Obstructed Justice. I now request NYCTA refrain from additionally submitting these, and all other False/Forged Instruments, in the interest of justice and the rule of law. I am requesting G&D schedule Step II's for the other attached 06:06:2016 Grievances, I would agree to have the two pay grievances joined into one and to have both hearings for pay and contract violating termination on the same day.

Mr. Daniel Chiu, esq., I want to thank you for, up to this point, not inserting into Public Record, to my knowledge, any False/Forged Instrument(s). I wish I could say the same for your colleagues representing NYCTA, but, unfortunately, I cannot. I request you continue to refrain from this felonious behavior in our, the People's, and Justice's joint interest. It may be tempting to "win" a case via creating or submitting a False/Forged instrument, but this type of corruption must be halted. Please see <http://www.detroitnews.com/story/business/2016/08/28/michigan-sets-parole-linda-green-robo-signer/89525028/> which almost bankrupted the United States. You stated at last week's PERB Conference that you could not locate the "Termination of Probation" Grievance. It is attached as the 06:06:2016GrievanceII.pdf. I also received a voice mail Friday requesting how much time I would need to Oppose the now second NYCTA Motion to Dismiss after service. I would need 6 weeks, as I am still pro se. I would also remind you we have a fully briefed Motion for Reconsideration pending at the EDNY.

Sincerely,
Brian Burke

On Fri, Nov 11, 2016 at 2:08 PM, B <briantburke@gmail.com> wrote:
Sister Maryann Conlon & TWIMC:

I have attached the potentially felonious "decision" for CI-2015-0548 and the two filed this year. I can only inform the Local and the members that this "decision" constitutes employer fraud. I was paid nothing by the Authority regarding this claim for pay. I request an immediate appeal, preferably to the arbitrator. I realize you, or I, have not received this criminal "decision" and it was only seen by me as an exhibit submitted, and perhaps written, by NYCTA's very expensive outside counsel in the ongoing WCL 120 Retaliation hearing that took place Tuesday morning. obviously this is the perfect way for management to "win" a step I grievance, write a knowingly false, fraudulent "decision" and do not inform the Local or Grievant. This fraudulent criminal "decision" for step I took only a year, or more. I would add that the alleged 09/22/2016 date on this joke "decision" defrauding me, and potentially all members, was the return date for the Article 78, probably not a coincidence.

I additionally request an appeal or scheduling of the other two grievances filed this year on 06/06/2016. There has been no hearing for either.

In Solidarity,
Brian Burke

https://en.wikipedia.org/wiki/An_injury_to_one_is_an_injury_to_all
Injustice anywhere is a threat to justice everywhere. Martin Luther King, Jr.